IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 3RD OCTOBER 2007 / 11TH ASWINA 1929

Bail Appl..No. 5936 of 2007()

CRIME NO. 219/2007 OF PIRAVOM POLICE STATION

PETITIONER/3RD ACCUSED:

ANOOP VISWANATHAN,
SIVASAKTHI, KAPPIL EAST, KAYAMKULAM.

BY ADV. SRI.A.SHAFEEK

RESPONDENTS: COMPLAINANT:

THE STATE OF KERALA,
REPRESENTED BY THE CIRCLE INSPECTOR OF POLICE,
PIRAVOM THROUGH PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR ADV.SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 03/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

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B.A.No.5936 of 2007

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Dated this the 3rd day of October, 2007

ORDER

Application for regular bail. Petitioner is the 3rd accused. Altogether there are 5 accused persons. They face allegations for offences punishable, inter alia, under Section 392 IPC. The gist of the allegations against the petitioners is that as planned by the 1st accused, A2,A3 and A5 were dropped by the 1st accused in a car near the house of the de facto complainant. They allegedly went into the house of the de facto complainant and demanded that he must pay an amount of Rs.15 lakhs as compensation for one Jessy whom the de facto complainant had allegedly impregnated. Force and violence was used within the house of the de facto complainant and two mobile phones were forcibly taken away. The de facto complainant was also taken away in his car. He was kept in custody and illegal attempts wer made to compel him to part with the said amount of Rs.15 lakhs. A gold chain and ring worn by the de facto complainant were forcibly taken away also. Though the incident took place on 08.09.07, the de facto complainant did not make any complaint till 15.9.07. But when one of the miscreants, over the

telephone again started demanding money, the de facto complainant felt persuaded to go to the Police and make a complaint. The de facto complainant initially only knew that three persons had indulged in such overt acts. He did not know their identity. After the crime was registered, the Police got the name of the 1st accused- Manoj, relative of the de facto complainant who had dropped the three miscreants in a car near his house. Working on those clues accused 1 and 2 were initially arrested. Later the petitioner herein was arrested on 17.9.07. The petitioner continues in custody from that date.

2. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. According to him he has nothing to do with the de facto complainant herein or the 1st accused or the other co- accused. According to him, totally false allegations are being raised against him without any reason probably on account on miscreant's identity.

3. No recovery was effected on the basis of the confession statement of the petitioner. It is, in these circumstances, prays that the petitioner who remains in custody from 17.9.07 may now be released on bail.

4. The application is opposed by the learned Public Prosecutor. There is no semblance of a reason to doubt or suspect the allegations raised against the petitioner by the Police now. There is no motive even alleged for false implication of the petitioner. The fact that the ornaments thieved have been recovered on the basis of the confession statement of the petitioner goes a long way to assure the Court of the acceptability of the allegations against the petitioner at present. Allegations raised are serious. Accused 4 and 5 has not been apprehended so far. Release of the petitioner would hamper the smooth course of the investigation. The petitioner in these circumstances, may not be granted bail, submits the learned Public Prosecutor.

5. I shall carefully avoid any detailed discussions on merits about the acceptability of the allegations or the credibility of the data collected. Suffice it to say that on an anxious consideration of all the relevant inputs including the nature and gravity of the allegations, stage of investigation etc., I am not persuaded to grant regular bail to the petitioner at this early stage. Investigators in a serious crime like this are certainly entitled to further time to complete the investigation.

6. In the result, this petition is dismissed. However, I may hasten to observe that the petitioner shall be at liberty to move this court or the Sessions court for bail again at a later stage of the investigation not, at any rate, prior to 17.10.07. The Investigator shall, in the meantime, make every endeavour to complete the investigation.

(R.BASANT, JUDGE)

sj

/TRUE COPY/

P.A.TO JUDGE